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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 **THERESA BROOKE,**

10 **Plaintiff**

11 **v.**

12 **SUPERB HOSPITALITY, LLC, d/b/a**
13 **Fairfield Inn & Suites Selma/Kingsburg,**

14 **Defendants**

CASE NO. 1:20-CV-0103 AWI SAB

**ORDER ON PLAINTIFF'S
OBJECTIONS TO CONSOLIDATED
MOTION, PLAINTIFF'S MOTION FOR
SANCTIONS, and DEFENDANT'S
MOTION TO ACCEPT FILINGS**

(Doc. Nos. 47, 48, 50)

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16 On May 29, 2020, the Court *inter alia* ordered Defendant to file a consolidated Rule
17 12/Rule 56 motion and set a briefing schedule. See Doc. No. 43. On June 2, 2020, Defendant
18 filed the consolidated motion and a notice of errata. See Doc. Nos. 44, 45.

19 On June 8, 2020, Plaintiff filed objections to the consolidated motion. See Doc. No. 47.
20 Plaintiff objects to the number of pages of the consolidated motion and that there is not an actual
21 motion that was filed, rather only a memorandum and evidence was filed. See id. On the same
22 day, Plaintiff filed a motion for sanctions because Defendant's consolidated motion was nearly
23 100 pages in length and violated Local Rule 230 since only a memorandum and evidence was
24 filed. See Doc. No. 48.

25 On June 9, 2020, Defendant filed a motion for the Court to accept its June 2 filings as a
26 consolidated Rule 12/Rule 56 motion. See Doc. No. 50

27 The Local Rules require a moving party to file a notice of motion, motion, accompanying
28 briefs, and affidavits. See Local Rule 230(b). Defendant's motion violates the letter of Local

Rule 230(b) because only a memorandum and evidence is filed. However, the violation is technical and harmless in this case. It is apparent that Defendant was attempting to comply with the Court's May 29 order. Further, Plaintiff is aware of the nature of the consolidated motion due to the separate motions that were administratively denied by the May 29, 2020 order.

To remedy the violation of Local Rule 230(b), the Court will order Defendant to file a formal motion and notice of motion. The Court will consider the notice and formal motion to be supported by Documents 44 and 45 on the Court's docket. The briefing schedule that was set in the May 29 order for the consolidated motion will remain unchanged at this time.

The Court finds that no other relief is appropriate. The Court will not accept any further motions, requests, or objections relating to this order or the motions and requests that are the subject of this order. The parties are directed to focus all further efforts on the pending motions. Motions that are similar to those resolved by this order, or that are outside the framework for responding to motions set by Local Rule 230, will likely be summarily denied.

ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's objections (Doc. No. 47) and Defendant's motion to accept filings (Doc. No. 50) are GRANTED in part;
2. As soon as possible, but no later than June 16, 2020, Defendant shall file a formal notice of motion and motion;¹ and
3. Plaintiff's motion for sanctions (Doc. No. 48) is DENIED.

IT IS SO ORDERED.

Dated: June 11, 2020



SENIOR DISTRICT JUDGE

¹ Again, the motion will be considered supported by Documents 44 and 45. Defendant will not be required to refile Documents 44 and 45.